

TELEFACSIMILE LETTER FROM  
**PENNIE AND EDMONDS LLP**  
1155 Avenue of the Americas  
New York, New York 10036  
Telephone Number (212) 790-9090  
Fax Nos.: (212) 869-9741/8864

TO: Ms. Doshee Day  
United States Patent and Trademark Office  
Washington, D.C. 20231

FAX NO.: 1-703-308-7749 FROM: Joseph Cahill  
on behalf of Rory J. Radding

PAGES: 5 (including Cover Sheet) DATE: March 20, 2003

Application of:	Fear et al.	Confirmation No.:	To be Assigned
Application No.:	09/772,330	Group Art Unit:	1661
Filed:	January 29, 2001	Examiner:	To be Assigned
For:	RASPBERRY PLANT NAMED "SONOMA"	Attorney Docket No.:	8569-013-999

Dear Ms. Day:

Per our conversation this morning, transmitted herewith, please find a copy of the following:

1. Express Mail Label Receipt Stamped May 7, 2001;
2. Pennie & Edmonds Docketing records form May 7, 2001, indicating Response to Notice to File Missing Parts was submitted via Express Mail on that day.
3. Itemized return yellow post card, stamped received by USPTO May 7, 2001, indicating Response to Notice to File Missing Parts of NonProvisional Application was received;
4. Copy of itemized return yellow post card, stamped received by USPTO May 7, 2002, indicating Status Request was recieved;
5. Copy of Response to Missing Parts of NonProvisional Application submitted May 7, 2001; and
6. Copy of Executed Declaration submitted May 7, 2001 with Response to Notice to File Missing Parts of NonProvisional Application.

Telephone inquiries were made to the USPTO on January 7, 2003, January 8, 2003, and March 4, 2003. Each time Attorneys for the applicant were told that the application had gone abandoned for failure to respond to the Notice to File Missing Parts of NonProvisional Application dated March 6, 2001. As the documents above show, Applicants did in fact timely respond.

No Notice of Abandonment has been received.

If you have any problems receiving this document, please telephone the sender at  
(212) 790-2907.

[REDACTED]

\* EL 501638454US \*

EL501638858U

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DATE: MAY 7, 2001THE EXPRESS MAIL NUMBER OF THE DAY IS: EL 501 638 858 USTHE PERSON TAKING EXPRESS MAIL  
TO THE POST OFFICE IS: ANTHONY ALI

## EXPRESS MAIL CERTIFICATION

"Express Mail" label No. EL 501 638 858 US Date of Deposit  
MAY 7, 2001 I hereby certify that the below-listed papers or  
fees were inserted into a package that was addressed to the  
Assistant  
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the date indicated above.

Signature

*Anthony Ali*

Date:

*5/7/01*

TERZIAN ROTHERY DUNCAN	9059-025 <i>CS</i> ✓	AMENDMENT AND RESPONSE TO AN OA DATED 12/5/00, RECORDATION FORM COVER SHEET TRANSMITTAL WITH ASSIGNMENT, TERMINAL DISCLAIMER	<i>OK</i>
F.MORRIS SHENTOV	7420-061 <i>CS</i>	RESPONSE TO FILE CORRECTED APPLN PAPERS, COPY OF ORIGINAL NOTICE, EIGHT (8) SHEETS OF FORMAL DRAWINGS	<i>OK</i>
STERN C.CHIN	10177-047 <i>CS</i> ✓	CPA REQUEST TRANSMITTAL, PETITION FOR THE EXT OF TIME OF TWO MONTHS FROM 3/8/01 TO 5/8/01 WITH DUPLICATE	<i>OK</i>
NANJAD	8376-004	MAINTENANCE FEE PAYMENT	<i>OK</i>
CORUZZI BENN SHEN	10412-026 <i>CS</i> ✓	RESPONSE TO RESTRICTION REQ. UNDER 37 CFR 1.143 DATED 4/6/01	<i>OK</i>
CORUZZI WARREN	9195-028 <i>CS</i> ✓	NOTICE OF APPEAL, AMENDMENT AND REPLY TO AN OA DATED 11/7/00, PETITION FOR THE EXT OF TIME OF THREE MONTHS FROM 2/7/01 TO 5/7/01 WITH DUPLICATE	<i>OK</i>
HINO	10832-003 <i>OK</i>	RESPONSE TO NOTICE OF MISSING REQ., COPY OF ORIGINAL NOTICE	<i>OK</i>

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		DECLARATION		
CORUZZI GEORGE FALVEY	7853-153 <i>OK</i> ✓	REQUEST FOR CONTINUED EXAMINATION TRANSMITTAL WITH AMENDMENT UNDER 37 CFR 1.114 AND TWO EXHIBITS	/	<i>OK</i>
GISOLFI PASQUALE SHEN	8569-011 <i>OK</i> ✓	RESPONSE TO NOTICE TO FILE MISSING PARTS, COPY OF ORIGINAL NOTICE, EXECUTED DECLARATION	/	<i>OK</i>

GISOLFI PASQUALE SHEN	8569-012 <i>CD</i>	RESPONSE TO NOTICE TO FILE MISSING PARTS, COPY OF ORIGINAL NOTICE, EXECUTED DECLARATION	<i>OK</i>
GISOLFI PASQUALE SHEN	8569-010 <i>CD</i>	RESPONSE TO NOTICE TO FILE MISSING PARTS, COPY OF ORIGINAL NOTICE, EXECUTED DECLARATION	<i>OK</i>
GISOLFI PASQUALE SHEN	8569-013 <i>CD</i>	RESPONSE TO NOTICE TO FILE MISSING PARTS, COPY OF ORIGINAL NOTICE, EXECUTED DECLARATION	<i>OK</i>
CORUZZI BENN MITTLER	7682-050 <i>CD</i>	TRANSMITTAL OF SEQUENCE LISTING, SEQUENCE LISTING WITH COMPUTER READABLE, PETITION FOR THE EXT OF TIME OF FIVE (5) MONTHS FROM 12/7/00 TO 5/7/01 WITH DUPLICATE	<i>OK</i>
CORUZZI BENN SHEN	10412-011 <i>CD</i>	TRANSMITTAL OF SEQUENCE LISTING, SEQUENCE LISTING WITH COMPUTER READABLE, PRELIM AMENDMENT UNDER 37 CFR 1.115	<i>OK</i>
NANJAD	6261-037	MAINTENANCE FEE PAYMENT	<i>OK</i>
BALANCIA SCOTT	318-250 <i>q</i> <i>CD</i>	AMENDMENT IN RESPONSE TO AN OA DATED 2/7/01	<i>8</i>
UNDERWOOD	10787-007	PROVISIONAL APPLN COVER SHEET TRANSMITTAL, APPLN OF 1 PAGE	<i>OK</i>
UNDERWOOD	10787-007A	PROVISIONAL APPLN COVER SHEET TRANSMITTAL, APPLN OF 8 PGS	<i>OK</i>
UNDERWOOD	10787-007B	PROVISIONAL APPLN COVER SHEET TRANSMITTAL, APPLN OF 18 PGS	<i>OK</i>
UNDERWOOD	10259-004 <i>CD</i>	RESPONSE TO NOTICE TO FILE MISSING PARTS, COPY OF ORIGINAL NOTICE, EXECUTED DECLARATION AND POWER OF ATTORNEY, SMALL ENTITY STATEMENT, SUBMISSION OF FORMAL DRAWINGS 15 SHEETS OF 8 FIGS	<i>OK</i>

**BUSINESS REPLY MAIL**

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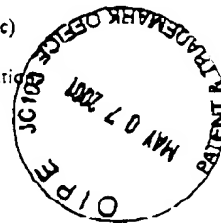
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Express Mail No. EL 501 638 858 US First Class Mail ( )  
Date Mailed May 7, 2001  
Serial No.: 09/772,330 Filed: January 29, 2001  
Applicant: Carlos D. FEAR  
FOR: BLACKBERRY PLANT NAMED "SONOMA"

The stamp of the Patent Office hereon shall be taken as an acknowledgement on the date stamped receipt of the following:

- (X) Response to Missing Parts of NonProvisional Application (in duplicate)
- (X) Executed Declaration
- (X) Return copy of Notice to File Missing Parts of NonProvisional Application



OTHER: \_\_\_\_\_

File No. 8560-013 999

SENDER: ALG/MEP/PYS/NMonte



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1155 Avenue of the Americas  
New York, NY 10109-1441



Express Mail No. EL 477 034 939 US First Class Mail ( )  
Date Mailed March 6, 2002  
Serial No.: 09/772,330 Filed: January 29, 2001  
Applicant: Carlos D. FEAR  
FOR: BLACKBERRY PLANT NAMED "SONOMA"

The stamp of the Patent Office hereon shall be taken as an acknowledgement on the date stamped receipt of the following:

(X) Status Request



OTHER: \_\_\_\_\_

File No. 8569-013-999

SENDER: RJR/ALQ/PYS/NNMoore

Express Mail No. EL 501 638 858 US

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Carlos D. Fear

1051-130

Application No.: 09/772,330

Group Art Unit: 1661

Filed: January 29, 2001

Examiner: To Be Assigned

For: BLACKBERRY PLANT NAMED  
"SONOMA"

Attorney Docket No.: 8569-013

**RESPONSE TO NOTICE TO FILE MISSING PARTS  
OF NONPROVISIONAL APPLICATION**Assistant Commissioner for Patents  
Washington, D.C. 20231

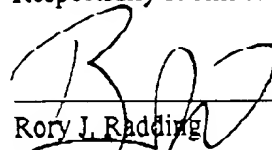
Sir:

In response to the Notice to File Missing Parts of Provisional Application (hereinafter the "Notice") mailed by the U.S. Patent and Trademark Office on March 6, 2001 in connection with the above-captioned application, Applicant submits herewith the following documents:

- (1) executed Declaration; and
- (2) a return copy of the Notice.

In accordance with the Notice, the surcharge for filing the enclosed Declaration is estimated to be \$130.00. Please charge the required fee to Pennie & Edmonds LLP Deposit Account No. 16-1150. A duplicate of this sheet is enclosed for accounting purposes.

Respectfully submitted,

Date May 7, 2001

28,749

Rory J. Radding

(Reg. No.)

PENNIE &amp; EDMONDS LLP

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New York, New York 10036-2711

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Enclosures